

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 14 and 15 have been amended for clarity. The amendments were not presented earlier due to the unforeseeability of the remarks set forth within the Final Rejection.

Regarding the 35 USC 112, first paragraph, rejections, the Applicants submit that support for the claimed subject matter of a transmitting section that transmits a number of CQIs corresponding to the number of base station carriers identified in received information finds support in paragraphs [0054]-[0069] of the published specification. Therefore, withdrawal of the 35 USC 112, first paragraph, rejections is deemed to be warranted.

Claim 12 stands withdrawn as being directed toward non-elected subject matter.

Claims 14 and 15 stand rejected, under 35 USC §103(a), as being unpatentable over Li et al. (US 2002/0119781) in view of Hwang et al. (US 2005/0025039). The Applicants respectfully traverse these rejections as follows.

Claim 14 defines a wireless communication apparatus that receives information related to the number of base station subcarriers, extracts the number of subcarriers from the received information, and transmits a number of CQIs corresponding to the number of subcarriers. The claimed subject matter provides an advantage of reducing the amount of transmitted control information so as to reduce power consumption, reduce channel interference, and make the reduced channel resources available for conveying payload data (see paragraph [0014] of the published specification). (It should be noted that references herein to the specification and

drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Li discloses that, for downlink channels, each subscriber measures the channel and interference information for all the subcarriers and then selects multiple subcarriers with good performance (e.g., a high signal-to-interference plus noise ratio (SINR)) and feeds back the information on these candidate subcarriers to the base station (see Li paragraph [0024]). The feedback may comprise channel and interference information (e.g., signal-to-interference-plus-noise-ratio information) on all subcarriers or just a portion of the subcarriers. In the case of providing information on only a portion of the subcarriers, a subscriber may provide a list of subcarriers ordered starting with those subcarriers that the subscriber desires to use, usually because their performance is good or better than that of other subcarriers.

Hwang discloses that an MSS feeds back the CINRs (e.g., CQIs) of subcarriers to a BS and the BS selects an MCS for the corresponding subcarriers based on the CQIs (see Hwang paragraph [0030]).

However, neither of Li and Hwang discloses that a mobile station transmits a number of CQIs specified by the base station and, therefore, discloses or suggests the subject matter of claims 14 and 15.

Accordingly, the Applicants submit that the teachings of Li and Hwang, even if combined as proposed in the Final Rejection, still would lack the above-noted features of claim 14, and thus these references, considered individually or in combination, do not render obvious the subject matter defined by claim 14. Independent claim 15 similarly recites the subject matter

distinguishing apparatus claim 14 from the applied references, but with respect to a method.

Therefore, allowance of claims 14 and 15 is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: December 29, 2009
JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. 009289-06112
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 659-6966
Facsimile: (202) 659-1559